

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SHAW FAMILY ARCHIVES, LTD., EDITH :
MARCUS and META STEVENS, :
 :
Plaintiffs, : Case No. 05 Civ. 3939 (CM)
 :
-against- : Hon. Colleen McMahon
 :
CMG WORLDWIDE, INC., and MARILYN :
MONROE LLC, :
 :
Defendants.
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**NOTICE OF DEFENDANTS' CROSS-MOTION TO DISMISS COUNTS 1 AND 2 OF
PLAINTIFFS' SECOND AMENDED COMPLAINT WITH PREJUDICE**

To: Christopher Serbagi, Esq.
David Marcus, Esq.
Law Offices of Christopher Serbagi
488 Madison Avenue, Suite 1120
New York, New York 11201
Attorneys for Plaintiffs

PLEASE TAKE NOTICE that, upon Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion to Withdraw Counts 1-8 of Plaintiffs' Second Amended Complaint Without Prejudice and in Support of Defendants' Cross-Motion to Dismiss Counts 1 and 2 With Prejudice dated January 16, 2008, and upon the Declaration of Tal Dickstein dated January 16, 2008, Defendants Marilyn Monroe LLC and CMG Worldwide, Inc., by their undersigned attorneys, will move this Court, in Courtroom 21B of the United States Courthouse, 500 Pearl Street, New York, 10007, at a time and date to be determined by the Court, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing Counts 1 and 2 of Plaintiffs' Second Amended Complaint with prejudice, and for such other relief as the court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served on counsel for Marilyn Monroe LLC and counsel for CMG Worldwide, Inc. two weeks after receipt

of the moving papers, and reply papers, if any, are to be served five (5) business days after service of answering papers.

Dated: New York, New York
January 16, 2008

LOEB & LOEB LLP

By: 

Paula K. Colbath (PC 9895)
345 Park Avenue
New York, New York 10154-1895
(212) 407-4000

*Attorneys for Defendant
Marilyn Monroe LLC*

SOVICH MINCH, LLP

By: 

Theodore J. Minch
10099 Chesapeake Drive
Suite 100
McCordsville, Indiana 46055

*Attorneys for Defendant CMG Worldwide,
Inc.*